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Paper No. 7

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**APR 16 2004**

**OFFICE OF PETITIONS**

In re Application of  
Mayer, Michael G.  
Application No. 09/613,418  
Filed: July 10, 2000  
Attorney Docket No. 85773-227

**ON PETITION**

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed April 7, 2004, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely reply within three months to the non-final Office action mailed September 5, 2003. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on December 6, 2003.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$950.00 extension of time fee submitted with the petition on April 7, 2004 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

The file is now being forwarded to Technology Center 2600 for further examination on the merits.

Telephone inquiries should be directed to the undersigned at (703) 306-0482.

Liana Chase  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

**REQUEST FOR PATENT FEE REFUND**

1 Date of Request: <u>4/15/04</u>		2 Serial/Patent # <u>09613418</u>								
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED							
<input type="checkbox"/>	Filing		\$							
<input type="checkbox"/>	Amendment		\$							
<input checked="" type="checkbox"/>	Extension of Time	# <u>6</u>	<u>4/7/04</u> \$ <u>950.00</u>							
<input type="checkbox"/>	Notice of Appeal/Appeal		\$							
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		7 TOTAL AMOUNT OF REFUND \$ <u>950.00</u>								
10 REASON:		8 TO BE REFUNDED BY:								
<input type="checkbox"/>	Overpayment	<input checked="" type="checkbox"/>	Treasury Check							
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<input checked="" type="checkbox"/>	No Fee Due (Explanation):	9 <table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 20px; text-align: center;">1</td> <td style="width: 20px; text-align: center;">9</td> <td style="width: 20px; text-align: center;">--</td> <td style="width: 20px; text-align: center;">2</td> <td style="width: 20px; text-align: center;">5</td> <td style="width: 20px; text-align: center;">5</td> <td style="width: 20px; text-align: center;">0</td> </tr> </table>		1	9	--	2	5	5	0
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<u>EOT filed outside maximum extendable timeframe.</u>										
11 REFUND REQUESTED BY:										
TYPED/PRINTED NAME: <u>Liana Chase</u>		TITLE: <u>Paralegal</u>								
SIGNATURE: <u>[Signature]</u>		PHONE: <u>306-0482</u>								
OFFICE: <u>Petition</u>										
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APPROVED: <u>[Signature]</u>		DATE: <u>4-15-04</u>								

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